

**Minutes
Newton Planning Commission
February 28, 2012
Council Chambers
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on February 28, 2012 in the Council Chambers at City Hall.

Members

Present:

Ken Simmons, Chairman
Melinda Travis
Jim Granny
Jim Smith
Mark Stalnaker

Members

Absent:

Donnie Setzer
Stan Gabriel

Staff Present:

Alex Fulbright, AICP, Assistant Planning Director
Max Sigler, Planner
Rob Powell, Community Development Coordinator

Item 1: Call to Order

Chairman Simmons called the meeting to order.

Item 2: Consideration of Minutes of the January 24, 2012 Meeting

Chairman Simmons asked for consideration of the minutes of the January 24, 2012 meeting. There being no corrections or additions, **Chairman Simmons** ruled that the minutes were approved as presented.

Item 3a: Public Hearing – Rezoning 2012-01, North Rankin and East 20th Street

Chairman Simmons called to order a Public Hearing as scheduled and advertised, and recognized **Mr. Alex Fulbright** to make a presentation to the Planning Commission.

Mr. Fulbright stated that the Newton Planning Commission has initiated a rezoning request for 21 parcels for a total of 10 acres located in the area adjacent to the North Rankin Avenue and East 20th Street intersection as result a of implementing elements of the Core Area Plan, adopted by City Council on February 15, 2011. He stated that the current zoning of subarea 1, 2, 4, 5, and 6 is B-1 Neighborhood Shopping District, and that the current zoning of subarea 3 is B-4 General Business District.

Mr. Fulbright stated that the Planning Commission held a public information meeting on January 24, 2012 with the property owners within the affected area, and that based on the property owners' concerns and issues, a proposal was drafted which is the proposal being presented.

Mr. Fulbright stated that the proposed request is consistent with the 2011 Core Area Plan, as the request is an implementation of the plan. The affected property currently is a neighborhood business district that is known in the Core Area Plan as the North Rankin Commercial District.

Mr. Fulbright stated that the current zoning of subarea 1, 2, 4, 5, and 6 is B-1 Neighborhood shopping district.

Mr. Fulbright explained that the intent of the B-1 district is to provide for the sale of convenience goods and a limited number of personal services to the residents of the surrounding neighborhood. These districts shall normally be located at intervals along arterials or collector thoroughfares, and these regulations shall provide standards for development of such retail and service uses either on individual parcels or in small commercial centers which shall be designed to protect the integrity of the surrounding residential neighborhood.

Mr. Fulbright stated that the current zoning of subarea 3 is B-4 General Business District and that the intent of the B-4 district is to provide for a mixture of retail, service, transportation, storage and related activities which do not require a central location.

Mr. Fulbright stated that the proposed changes if enacted would change the zoning of subarea 1, 3, and 4 to R-9 Multifamily Residential. The intent of the R-9 district is to accommodate a variety of moderate intensity residential uses, including single-family, two-family and multiple family dwelling types, under conventional or planned development controls. R-9 districts shall be served with public water and sewer services. He stated the uses within these subareas are consistent with the intent of the R-9 district.

Mr. Fulbright stated the proposed zoning of subarea 2, 5, and 6 is B-4 General Business and that the existing uses within these subareas is consistent with the intent of the B-4 district.

Mr. Fulbright gave some examples of allowed uses in the B-1, B-4, and R-9 districts, and other related policies from the Core Area Plan. He also stated that there will be minimal impact on the surrounding transportation network and that the affected properties have water and sewer.

Chairman Simmons stated that this is a Public Hearing, and asked if anyone would like to speak in favor of or against the proposed text amendment.

Mr. Eddie Johnson asked about the zoning of the property across from his, which was located in subarea 3. Specifically if multi-family residential would be allowed and if the zoning could change to only allow single family residential.

Mr. Fulbright responded that both the current zoning and the proposed zoning would allow for multi-family residential if the lot met the minimum lot area requirement. He also said that to restrict it to multi-family residential that the zoning district would need to be R-20 or R-20A and that would need to be revised at later time if that was neighborhoods desire.

The Planning Commission concurred that they would be considering the proposal that was presented and would look at further restricting the area to single family residential later.

With no further discussion, **Chairman Simmons** closed the Public Hearing and asked for a motion. A motion was made by **Mr. Stalnaker**, and seconded by **Mr. Smith** to recommend approval of the rezoning request. There was no discussion on the motion, and the motion was unanimous.

Item 3b: Text Amendment 2012-01, Tattoo Parlors in the B-4 District

Chairman Simmons called to order a Public Hearing as scheduled and advertised, and recognized **Mr. Sigler** to make a presentation to the Planning Commission.

Max Sigler, Planner, stated that Morgan Little is requesting the approval of a Zoning Ordinance Text Amendment that would allow Tattoo Parlors within the B-4 zoning district.

Mr. Sigler stated that currently Tattoo Parlors are allowed only within the B-3, Central Business District, and that prior to 2011 Tattoo Parlors were not an allowed use within the City of Newton.

Mr. Sigler explained that the proposed amendment would further expand the area where tattoo parlors are allowed to encompass the B-3 and B-4 districts.

Mr. Sigler stated that the purpose statements for the B-3 and B-4 districts currently read as follows:

B-3, Central Business District- intended to provide the core area of the city that preserve this area as a center for commercial, financial, professional, governmental, and cultural activities.

B-4, General Business District- intended to provide for a mixture of retail, service, transportation, storage and related activities which do not require a central location.

He stated that the main distinctions between the two are the more intense and diverse uses that are allowed within the B-4 district and the centralized location of the B-3 district.

Chairman Simmons stated that this is a Public Hearing, and asked if anyone would like to speak in favor of or against the proposed text amendment.

Morgan Little, of 1148 N Main Av, showed pictures of the building that she and her husband are working on that will be their new business should this text amendment be approved. Mr. Little stated that he had been in tattooing business for 16 years in Florida. Ms. Little stated that there would also be art displayed and for sale in the business.

With no further discussion, **Chairman Simmons** closed the Public Hearing and asked for a motion. A motion was made by **Mr. Stalnaker**, and seconded by **Mr. Granny** to recommend to Council, the text amendment as presented. There was no discussion on the motion, and the motion carried 4 to 1, with **Mr. Smith** voting in opposition.

Item 4: New Business

None

Item 6: Reports

None

Item 7: Training

None

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex S. Fulbright/AICP
Recording Secretary